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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DAMEN D. RABB,

12 Plaintiff,

13 v.

14 ESTEVEN FIGUEROA, et al.,

15 Defendants.
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No. 1:23-cv-00843 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING IN PART
AND GRANTING IN PART DEFENDANTS'
EXHAUSTION MOTION FOR SUMMARY
JUDGMENT

(Docs. 32, 41)

17 Plaintiff is appearing pro se and in forma pauperis in this civil rights action filed pursuant
18 to 42 U.S.C. § 1983. On April 4, 2024, the magistrate judge issued Findings and
19 Recommendations recommending that Defendants' exhaustion motion for summary judgment be
20 granted as to Plaintiff's retaliation claim and denied as to Plaintiff's deliberate indifference claim.
21 (Doc. 41.) Plaintiff filed objections on April 17, 2024.¹ (Doc. 48.)

22 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
23 case. Having carefully reviewed the matter, including Plaintiff's objections, the Court concludes
24 the Findings and Recommendations are supported by the record and proper analysis. Thus, the
25 Court **ORDERS**:

26 ¹ Plaintiff correctly indicates that the Findings and Recommendations contained a typographical error at page 1, line
27 1 referring to Plaintiff as Isaiah J. Petillo. (Doc. 41.) Because the remainder of the Findings and Recommendations
28 clearly refers to the correct casefile, the Court does not believe the typographical error is material and hereby corrects
it to reflect that both the Findings and Recommendations and this order concern the above-captioned action brought
by Damen D. Rabb.

1. The Findings and Recommendations issued on April 4, 2024 (Doc. 41) are **ADOPTED** in full.
2. Defendants' exhaustion motion for summary judgment is **GRANTED** as to Plaintiff's retaliation claim.
3. Plaintiff's retaliation claim is dismissed from the action, without prejudice, for failure to exhaust the administrative remedies.
4. Defendants' exhaustion motion for summary judgment is **DENIED** as to Plaintiff's deliberate indifference claim.

IT IS SO ORDERED.

Dated: May 2, 2024


UNITED STATES DISTRICT JUDGE